

Applicant : Miller
Patent No. : n/a
Issued : n/a
Serial No. : 09/629,262
Filed : 7/31/2000
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Attorney's Docket No.: 10001634-1

REMARKS

The Examiner rejected Claim 1 over Lazarus in view of Applicant's disclosure and Official Notice while recognizing Lazarus does not teach the data as including recency indicator, monetary and advocacy (Office Action, Pg 3). The Examiner instead relied upon Applicant's statements in the application for this information. Applicant respectfully submits that the Applicant's statements have been taken out of context and improperly combined with the present invention. Mere mentioning of these factors does not render them obvious as they have never previously been combined in the same manner as provided in the present invention. Specifically, Claim 1 as amended recites "for each customer, downloading from a web server a set of numeric values, each associated with parameters including a recency indicator, and an advocacy indicator". Neither Lazarus, the prior art cited nor even Applicant's statements taken in the proper context teach or suggest this combination of indicators and technology as provided for in Claim 1.

Further, Lazarus alone or in combination does not "for each customer, generating a symbol; wherein the symbol's movement dynamically changes" as recited in amended claim 1. Instead, the areas cited in Lazarus are merely graphs for purposes of discussion and not symbols to be displayed. Even if the graphs were to be displayed, Lazarus does not even teach or suggest they would be subjected to dynamic changes as recited in claim 1.

In addition, Lazarus does not teach or suggest "arranging a plurality of symbols spatially to create at least one cluster in a galaxy layout according to a polar coordinate system based on the numeric values". If Lazarus generated even one symbol for display it would be difficult to determine how it would appear. For example, FIG. 1a in Lazarus only depicts a relationship between a merchant vector and consumer vector and not clusters (Col. 8, lines 39-52). While the term 'cluster' is used in Lazarus (Col. 8, line 61), it is not the type of visual clustering of symbols described in Claim 1. In fact, clustering the vectors in Lazarus would cause them to clutter and it would not be clear when two or more of the vectors were aligned or disjoint.

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Moreover, Lazarus along in combination does not teach or suggest "wherein said galaxy layout contains visual representations of patterns and movement corresponding to trends in customer behavior, manipulating said computer graphic by a user to identify one or more customer groups to be part of a marketing campaign, based upon identification of said cluster within a region of space in the galaxy layout, said customer group being further identified by customers within a user defined radius of the origin of said cluster." as recited in Claim 1. As previously mentioned, Lazarus has provided a schematic diagram of a sphere in Fig. 1a and Fig. 1b (Lazarus) however does not provide a user interface using a galaxy or even a sphere. Instead, Lazarus provides information related to processing demographic information (Col. 9, lines 65-67 and Col. 10, lines 1-13) but not a user interface to interact with the information or results as recited in claim 1. While patentably distinct on their own, claims 2, 4-7, 9 and 10 are also in condition for allowance based upon their dependency on claim 1.

For at least the same reasons provided above, independent claim 11 as amended should also be found patentably distinct over Lazarus in view of Applicant's disclosure and Official Notice. Likewise, claims 12, 14-17, 19 and 20 are not only independently patentable but also in condition for allowance by virtue of their dependence on claim 11.

Applicant submits that claims 1, 2, 4-7, 9-12, 14-17, 19, and 20 are now in condition for allowance. In addition, Applicant has provided a further explanation of how these claims are patentably distinct over the references cited. Accordingly, the Applicant would respectfully request the Examiner to reconsider the Applicant's invention in light of these modifications and allow the claims as filed and amended.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Leland Wiesner, Applicants' Attorney at (650) 853-1113 so that such issues may be resolved as expeditiously as possible.

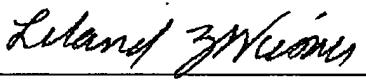
For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

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Respectfully Submitted,

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